

HOUSE BILL 3419
By Buttry

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 82, relative to the selection and number of commissioners for utility districts situated in whole or in part in charter counties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following language as a new subsection:

(oo) Notwithstanding the provisions of this section or any other law to the contrary, a utility district created under this chapter [that is situated in whole or in part in a charter county and which has a board of three (3) commissioners on January 1, 2004, and which after such date merges with one (1) or more utility districts that are situated in whole or part in a charter county], may by agreement with the other utility district(s) involved in the merger, increase the board of commissioners of the merged utility district to five (5) commissioners in accordance with the requirements of this subsection. Merging utility districts that agree to increase the board of commissioners to five (5) commissioners shall state such agreement in the petition for merger submitted to the county mayor and shall name in the petition up to five (5) individuals who are otherwise qualified to serve in accordance with the requirements of this chapter as commissioners for the merged utility district proposed by such petition, each of whom shall be an existing commissioner of one (1) of the utility districts proposing to merge and at least three (3) of whom shall reside in the county where the largest number of customers are being served by the merging utility districts as of the date the petition for merger is submitted to the county mayor. In the event that the merging utility districts do not name five (5) individuals who are so qualified to serve as commissioners for the merged utility district in the petition for merger, the county mayor shall appoint a sufficient number of

individuals, who are otherwise qualified under the requirements of this chapter to serve as commissioner for any seats not named by the merging utility districts.

SECTION 2. Tennessee Code Annotated, Section 7-82-602, is amended by adding the following language as a new subsection:

(d) Notwithstanding the provisions of this section or any other law to the contrary, any utility district created under this part [that is situated in part in a charter county and which has a board of three (3) commissioners on January 1, 2004, and which after such date merges with one or more utility districts that are situated in a charter county], may by agreement with the other utility district(s) involved in the merger, increase the board of commissioners of the merged utility district to five (5) commissioners in accordance with the requirements of this subsection. Merging utility districts that agree to increase the board of commissioners to five (5) commissioners shall state such agreement in the petition for merger submitted to the county mayor and shall name in the petition up to five (5) individuals who are otherwise qualified to serve in accordance with the requirements of this chapter as commissioners for the merged utility district proposed by such petition, each of whom shall be an existing commissioner of one (1) of the utility districts proposing to merge and at least three (3) of whom shall reside in the county where the largest number of customers are being served by the merging utility districts as of the date the petition for merger is submitted to the county mayor. In the event that the merging utility districts do not name five (5) individuals who are qualified to serve as commissioners for the merged utility district in the petition for merger, the county mayor shall appoint a sufficient number of individuals, who are otherwise qualified under the requirements of this chapter, to serve as commissioner for any seats not named by the merging utility districts.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.